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Select Agent Program  
Centers for Disease Control and Prevention  
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We are writing in response to the Centers for Disease Control and Prevention's solicitation for comments on 42 CFR Part 73, Interim Final Rule, Possession, Use, and Transfer of Select Agents and Toxins published in the Federal Register, Vol. 240, No. 67 on Friday, December 13, 2002.

The Duke University Occupational and Environmental Safety Office supports the comments and recommendations for 42 CFR Part 73 submitted by the Howard Hughes Medical Institute (HHMI) on January 21, 2003. Duke University supports approximately 415 research labs and 45 clinical labs. Currently, we have 5 research labs that are registered with the CDC Select Agents Transfer Program.

We have attached a copy of the HHMI "Comments on 42 CFR Part 73" for your reference. Specifically, the basis for our support and endorsement is that the recommendations will ensure the appropriate availability of biological agents and toxins for research, education, and other legitimate purposes and will make the safeguard and security requirements for persons possessing, using, or transferring a listed agent or toxin risk-based. These provisions are requirements of the "Public Health Security and Bioterrorism Preparedness and Response Act of 2002." Generally, the adoption of the recommendations of the HHMI will lessen the administrative burden of the Final Rule, allow for an effective performance-based security plan, and ensure the relevance of the Final Rule to the biomedical research environment.

We appreciate the opportunity to comment on the Interim Final Rule.

Sincerely,



Debra L. Hunt, DrPH, CBSP  
Director, Biological Safety

Enclosure: Comments on 42 CFR Part 73, Interim Final Rule  
Possession, Use and Transfer of Select Agents and Toxins